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SENATE BILL 3060
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21, to enact the "Tennessee Americans with Disabilities Act of 2000."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This Act shall be known as and may be cited as the "Tennessee Americans with Disabilities Act of 2000."

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding sections 3 through 7 as a new part.

SECTION 3.

(a) Within the commission, there is created an office of Tennessee Americans with Disabilities Act Compliance, also referred to in this part as "office", which shall carry out the functions set out in this part.

(b) The Tennessee Americans with Disabilities Act compliance office shall be responsible for the Tennessee Americans with Disabilities Act compliance under this part; shall serve as an informational clearinghouse on such compliance; shall operate a toll-free telephone line for Tennessee Americans with Disabilities Act-related assistance; and shall include an ombudsman program as defined in this part.

SECTION 4.

(a) The commissioner shall designate at least one person, having extensive knowledge of the Americans with Disabilities Act of 1990, 42 U.S. C. §12101, et seq., to serve as the statewide Tennessee Americans with Disabilities Act clearinghouse coordinator.

(b) The office shall obtain and operate toll-free telephone lines for the express purpose of receiving and encouraging inquiries for informational service concerning building accessibility, program accessibility, and reasonable accommodations.

(c) The statewide Tennessee Americans with Disabilities Act clearinghouse coordinator shall be responsible for providing information on all aspects of Tennessee Americans with Disabilities Act compliance including, but not limited to:

(1) providing information to persons with disabilities concerning the availability of programs and services within the state and the appropriate federal, state or local departments or offices to contact for additional information;

(2) providing information to businesses and state and local officials concerning what may or may not constitute a reasonable accommodation as required by the Tennessee Americans with Disabilities Act as well as building accessibility and program accessibility compliance; and

(3) developing promotional activities to further inform public officials, the business community and the general public concerning Tennessee Americans with Disabilities Act compliance including, but not limited to, press releases, posters, speeches, and public service announcements on radio and television.

SECTION 5.

(a) The ombudsman program shall consist of at least one (1) person, having extensive knowledge of the Americans with Disabilities Act, who shall be responsible for

coordination of staff and volunteers who assist in resolution of problems between persons with disabilities and entities subject to the ADA.

(b) Paid staff and volunteers shall be trained as required by and under the supervision of the ombudsman, who shall certify those persons who have been properly trained as "representatives" of the office; provided, that such volunteers shall not be considered to be employees of the state of Tennessee. The office shall maintain a current listing of certified representatives. Certified representatives shall be immune from liability for acts or omissions committed within the scope of their assigned duties, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain.

SECTION 6.

(a) Each state governmental entity subject to the requirements of the Americans with Disabilities Act ("ADA") of 1990, 42 U.S.C. § 12101 et seq., and regulations promulgated pursuant thereto, shall develop an ADA implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include ADA implementation plans of any subrecipients of federal funds through the state entity. Each such state governmental entity shall submit annual ADA compliance reports and implementation plan updates to the department of audit by June 30, 2001, and each June thereafter. At least once each year, the department shall publish a cumulative report of its findings and recommendations concerning compliance with the requirements of this act. The cumulative annual report shall be distributed to the Tennessee Americans with Disabilities Act compliance office, the governor, to each member of the general assembly, and to each library designated as a depository of state reports and documents.

(b) Each such governmental entity shall also conduct an amended self-assessment, which shall be completed and distributed with the annual report due on June 30, 2001.

(c) Each such governmental entity shall conspicuously post a notice regarding the Tennessee Americans with Disabilities Act compliance office together with its location and the toll-free numbers maintained by the office.

SECTION 7. The commission shall adopt rules to govern the administration of the Tennessee Americans with Disabilities Act compliance office. Such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 8. Tennessee Code Annotated, Section 4-21-102, is amended by adding the following new item:

() "Disability" refers to the term as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., and regulations promulgated therein;

SECTION 9. Tennessee Code Annotated, Section 4-21-202, is amended by adding the following new item:

() Promote voluntary compliance with, and resolution of compliance issues under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., and regulations promulgated thereto;

SECTION 10. Tennessee Code Annotated, Section 6-54-123, is amended by designating the existing section as subsection (a), and by adding the following:

(b) A copy of the policy containing compliance procedures under the Americans with Disabilities Act shall be sent to the Tennessee Americans with Disabilities Act compliance office.

SECTION 11. Tennessee Code Annotated, Section 5-23-104, is amended by designating the existing section as subsection (a), and by adding the following:

(b) A copy of the policy containing compliance procedures under the Americans with Disabilities Act shall be sent to the Tennessee Americans with Disabilities Act compliance office.

SECTION 12. This act shall take effect on July 1, 2000, the public welfare requiring it.